

## REMARKS

Claims 1, 2, 6, 8-12, 16, and 18-25 are pending and under consideration. In the final Office Action of August 23, 2005, the Examiner rejected claims 1, 2, 6, 8-12, 16, and 18-25 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Himmel* (U.S. Patent No. 6,167,441). Applicants respectfully traverse the rejection and address the Examiner's disposition below.

Claim 25 has been amended to clarify that web server is remote from the client.

Independent claims 1, 11, 21, 24, and 25 each claim subject matter relating to obtaining a client capability of a client from a source other than the client responsive to determining to download a web page to the client. In an illustrative, a web server obtains information about a client's browser settings from a database on another server system prior to downloading a web page to the client.

This is clearly unlike *Himmel*, which fails to disclose or even suggest obtaining a client capability of a client from a source other than the client. *Himmel* describes several ways to obtain information about a client's capabilities from a client, however, nowhere does *Himmel* even suggest obtaining a client capability from a source other than the client. *Himmel* teaches that a client capability is obtained 1) in a request message received from the client, 2) from an applet running on the client, or 3) in a form that is received from the client and that has been filled in by a user at the client. (*Himmel* 2:27-52). Nowhere does *Himmel* even suggest that a client capability can be obtained from a source other than the client, such as a secondary storage on the web server or another server.

The Examiner argues that *Himmel* teaches obtaining a client capability of a client from a source other than the client, however, Applicants respectfully disagree. As support for the Examiner's argument, the Examiner states that *Himmel* discloses sets of instruction in memory or in secondary storage. (Office Action of 8/23/2005, para. 1). Applicants respectfully submit that that disclosure is unrelated to whether *Himmel* teaches obtaining a client capability of a client from a source other than the client. *Himmel's* sets of instructions are not a client capability, instead they are sets of instructions.

Further, the Examiner cites *Himmel* 2:27 *et seq* as support for the Examiner's argument. However, as discussed above, that passage from *Himmel* clearly describes that *Himmel* obtains a client capability from the client via 1) a request message received from the client, 2) an applet

running on the client, or 3) a form that is received from the client and that has been filled in by a user at the client. (*Himmel* 2:27-52).

Therefore, for at least these reason, *Himmel* fails to disclose or suggest independent claims 1, 11, 21, 24, and 25.

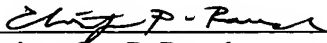
Claims 2, 6, 8-10, 12, 16, 18-20, 22, and 23 depend directly or indirectly from claim 1, 11, or 21 and are therefore allowable for at least the same reasons that claims 1, 11, and 21 are allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1, 2, 6, 8-12, 16, and 18-25 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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